

# Democracy and Authority: Progressive Era

Case Studies:  
WWI  
WWII

# Directions: Using Progressive Party Platform (pages 2-5) Complete below worksheet

Name: \_\_\_\_\_.

## The Progressive Era

For each issue listed below,

1. Summarize the problem AND if there was an impact on democracy and or authority.
2. Summarize the proposed resolution.

★ Your summaries should be written in the margins of the pages.

### Issues

- The Old Parties
- The Rule of the People
- Nation & State
- Equal Suffrage
- Corrupt Practices
- Publicity and Public Service
- The Courts
- Social & Industrial Justice
- Health
- Business

**Once completed, answer the following questions:**

Overall, what do you notice about the issues/problems identified in this platform?

Overall, what do you notice about the proposed resolutions & their impact on democracy & authority?

[Theodore Roosevelt believes that big business and the government could live on amicable terms with one another.]

Now, I say that in that way lies no thoroughfare for social reform and that those who are hopeful of social reform through the instrumentality of that party ought to realize that in the very platform itself is supplied the demonstration that it is not a serviceable instrument. They do propose to serve civilization and humanity, but they

ent.

## Questions

1. What reforms does the platform propose to improve the functioning of American democracy?
2. How does the platform seem to define economic freedom?

## 119. The Progressive Party Platform (1912)

Source: Donald B. Johnson, comp., *National Party Platforms (Urbana, Ill., 1978)*, Vol. 1, pp. 175-79.

Drafted by a group of female activists, labor reformers, and social scientists, the Progressive Party platform of 1912 laid out a blueprint for a modern, democratic welfare state, complete with women's suffrage, federal supervision of corporate enterprise, national labor and health legislation for women and children, an eight-hour work day and "living wage" for all workers, and a national system of social insurance covering unemployment, medical care, and old age. Described by the party's presidential candidate, Theodore Roosevelt, as the "most important document" since the end of the Civil War, the platform brought together many of the streams of thought and political experiences that flowed into Progressivism and anticipated many policies adopted two decades later during the New Deal. In economic matters it reflected Roosevelt's New Nationalism,

which envisioned heavy taxes on personal and corporate fortunes, and federal regulation of industries including railroads, mining, and oil. Unlike Wilson, Roosevelt insisted that big business was here to stay and that federal government must protect the public interest by regulating its activities.

THE CONSCIENCE OF the people, in a time of grave national problems, has called into being a new party, born of the nation's sense of justice. We of the Progressive party here dedicate ourselves to the fulfillment of the duty laid upon us by our fathers to maintain the government of the people, by the people and for the people whose foundations they laid.

We hold with Thomas Jefferson and Abraham Lincoln that the people are the masters of their Constitution, to fulfill its purposes and to safeguard it from those who, by perversion of its intent, would convert it into an instrument of injustice. In accordance with the needs of each generation the people must use their sovereign powers to establish and maintain equal opportunity and industrial justice, to secure which this Government was founded and without which no republic can endure.

This country belongs to the people who inhabit it. Its resources, its business, its institutions and its laws should be utilized, maintained or altered in whatever manner will best promote the general interest.

It is time to set the public welfare in the first place.

## THE OLD PARTIES

Political parties exist to secure responsible government and to execute the will of the people.

From these great tasks both of the old parties have turned aside. Instead of instruments to promote the general welfare, they have become the tools of corrupt interests which use them impartially to serve their selfish purposes. Behind the ostensible government

sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people.

To destroy this invisible government, to dissolve the unholy alliance between corrupt business and corrupt politics is the first task of the statesmanship of the day.

The deliberate betrayal of its trust by the Republican party, the fatal incapacity of the Democratic party to deal with the new issues of the new time, have compelled the people to forge a new instrument of government through which to give effect to their will in laws and institutions.

Unhindered by tradition, uncorrupted by power, undismayed by the magnitude of the task, the new party offers itself as the instrument of the people to sweep away old abuses, to build a new and nobler commonwealth.

#### A COVENANT WITH THE PEOPLE

This declaration is our covenant with the people, and we hereby bind the party and its candidates in State and Nation to the pledges made herein.

#### THE RULE OF THE PEOPLE

The National Progressive party, committed to the principles of government by a self-controlled democracy expressing its will through representatives of the people, pledges itself to secure such alterations in the fundamental law of the several States and of the United States as shall insure the representative character of the government.

In particular, the party declares for direct primaries for the nomination of State and National officers, for nation-wide preferential primaries for candidates for the presidency; for the direct election of United States Senators by the people; and we urge on the States the policy of the short ballot, with responsibility to the people secured by the initiative, referendum and recall.

...

#### NATION AND STATE

Up to the limit of the Constitution, and later by amendment of the Constitution, it found necessary, we advocate bringing under effective national jurisdiction those problems which have expanded beyond reach of the individual States.

It is as grotesque as it is intolerable that the several States should by unequal laws in matter of common concern become competing commercial agencies, barter the lives of their children, the health of their women and the safety and well being of their working people for the benefit of their financial interests.

The extreme insistence on States' rights by the Democratic party in the Baltimore platform demonstrates anew its inability to understand the world into which it has survived or to administer the affairs of a union of States which have in all essential respects become one people.

#### EQUAL SUFFRAGE

The Progressive party, believing that no people can justly claim to be a true democracy which denies political rights on account of sex, pledges itself to the task of securing equal suffrage to men and women alike.

#### CORRUPT PRACTICES

We pledge our party to legislation that will compel strict limitation of all campaign contributions and expenditures, and detailed publicity of both before as well as after primaries and elections.

#### PUBLICITY AND PUBLIC SERVICE

We pledge our party to legislation compelling the registration of lobbyists; publicity of committee hearings except on foreign affairs, and recording of all votes in committee; and forbidding federal

appointees from holding office in State or National political organizations, or taking part as officers or delegates in political conventions for the nomination of elective State or National officials.

#### THE COURTS

The Progressive party demands such restriction of the power of the courts as shall leave to the people the ultimate authority to determine fundamental questions of social welfare and public policy. To secure this end, it pledges itself to provide:

1. That when an Act, passed under the police power of the State, is held unconstitutional under the State Constitution, by the courts, the people, after an ample interval for deliberation, shall have an opportunity to vote on the question whether they desire the Act to become law, notwithstanding such decision.

2. That every decision of the highest appellate court of a State declaring an Act of the Legislature unconstitutional on the ground of its violation of the Federal Constitution shall be subject to the same review by the Supreme Court of the United States as is now accorded to decisions sustaining such legislation.

...

#### SOCIAL AND INDUSTRIAL JUSTICE

The supreme duty of the Nation is the conservation of human resources through an enlightened measure of social and industrial justice. We pledge ourselves to work unceasingly in State and Nation for:

Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry;

The fixing of minimum safety and health standards for the various occupations, and the exercise of the public authority of State and Nation, including the Federal Control over interstate commerce, and the taxing power, to maintain such standards;

The prohibition of child labor;

Minimum wage standards for working women, to provide a "living wage" in all industrial occupations;

The general prohibition of night work for women and the establishment of an eight hour day for women and young persons;

One day's rest in seven for all wage workers;

The eight hour day in continuous twenty-four-hour industries;

The abolition of the convict contract labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families;

Publicity as to wages, hours and conditions of labor; full reports upon industrial accidents and diseases, and the opening to public inspection of all tallies, weights, measures and check systems on labor products;

Standards of compensation for death by industrial accident and injury and trade disease which will transfer the burden of lost earnings from the families of working people to the industry, and thus to the community;

The protection of home life against the hazards of sickness, irregular employment and old age through the adoption of a system of social insurance adapted to American use;

The development of the creative labor power of America by lifting the last load of illiteracy from American youth and establishing continuation schools for industrial education under public control and encouraging agricultural education and demonstration in rural schools;

The establishment of industrial research laboratories to put the methods and discoveries of science at the service of American producers;

We favor the organization of the workers, men and women, as a means of protecting their interests and of promoting their progress.

...

## HEALTH

We favor the union of all the existing agencies of the Federal Government dealing with the public health into a single national health service without discrimination against or for any one set of therapeutic methods, school of medicine, or school of healing with such additional powers as may be necessary to enable it to perform efficiently such duties in the protection of the public from preventable diseases as may be properly undertaken by the Federal authorities, including the executing of existing laws regarding pure food, quarantine and cognate subjects, the promotion of vital statistics and the extension of the registration area of such statistics, and co-operation with the health activities of the various States and cities of the Nation.

## BUSINESS

We believe that true popular government, justice and prosperity go hand in hand, and, so believing, it is our purpose to secure that large measure of general prosperity which is the fruit of legitimate and honest business, fostered by equal justice and by sound progressive laws.

We demand that the test of true prosperity shall be the benefits conferred thereby on all the citizens, not confined to individuals or classes, and that the test of corporate efficiency shall be the ability better to serve the public; that those who profit by control of business affairs shall justify that profit and that control by sharing with the public the fruits thereof.

We therefore demand a strong National regulation of inter-State corporations. The corporation is an essential part of modern business. The concentration of modern business, in some degree, is both inevitable and necessary for national and international business efficiency. But the existing concentration of vast wealth under a corporate system, unguarded and uncontrolled by the Nation, has placed in the hands of a few men enormous, secret, irresponsible power over

the daily life of the citizen—a power insufferable in a free Government and certain of abuse.

This power has been abused, in monopoly of National resources, in stock watering, in unfair competition and unfair privileges, and finally in sinister influences on the public agencies of State and Nation. We do not fear commercial power, but we insist that it shall be exercised openly, under publicity, supervision and regulation of the most efficient sort, which will preserve its good while eradicating and preventing its ill.

To that end we urge the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent active supervision over industrial corporations engaged in inter-State commerce, or such of them as are of public importance, doing for them what the Government now does for the National banks, and what is now done for the railroads by the Inter-State Commerce Commission.

Such a commission must enforce the complete publicity of those corporation transactions which are of public interest; must attack unfair competition, false capitalization and special privilege, and by continuous trained watchfulness guard and keep open equally all the highways of American commerce.

Thus the business man will have certain knowledge of the law, and will be able to conduct his business easily in conformity therewith; the investor will find security for his capital; dividends will be rendered more certain, and the savings of the people will be drawn naturally and safely into the channels of trade.

Under such a system of constructive regulation, legitimate business, freed from confusion, uncertainty and fruitless litigation, will develop normally in response to the energy and enterprise of the American business man.

We favor strengthening the Sherman Law by prohibiting agreement to divide territory or limit output; refusing to sell to customers who buy from business rivals; to sell below cost in certain areas while maintaining higher prices in other places: using the power of

transportation to aid or injure special business concerns; and other unfair trade practices.

...

## Handout B: Founders vs. Progressives – Amendment Analysis

**Directions:** Read each of the Amendments below. Refer to all of them to answer the questions that follow.

### Founders' Amendments

**First Amendment:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**Third Amendment:** No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

**Fourth Amendment:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Sixth Amendment:** In all criminal prosecutions, the accused shall enjoy the right to a speedy

and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

**Eighth Amendment:** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Ninth Amendment:** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Tenth Amendment:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

### Progressives' Amendments

#### Sixteenth Amendment

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

#### Seventeenth Amendment - Excerpt

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in

## Handout B: Page 2

each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

### **Eighteenth Amendment - Excerpt**

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within,

the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

### **Nineteenth Amendment - Excerpt**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

## Critical Thinking Questions

1. What do these amendments reveal about their authors' beliefs about the relationship between citizens and their government? About the purpose of government?
2. What is the balance of power between the citizen and the national government in these amendments? What is the balance of power between states and the national government?
3. How do the Founders' Amendments differ from the Progressives' Amendments?
4. Why do you think some specific rights – or prohibitions – appear more often than others in the documents?
5. Of the rights – or prohibitions – referenced in these amendments, which do you believe are the most important? Why?
6. What is the balance of power between the citizen and the national government in these amendments? What is the balance of power between states and the national government?





# THE RISE and FALL OF PROHIBITION

The legal ban on the manufacture, sale, and transport of alcohol, within the United States, otherwise known as Prohibition, began with the ratification of the 18th Amendment in 1919. The national ban technically went into effect in 1920. One of the roots of Prohibition can be traced to the early 19th century temperance movement, which was eventually fueled by the rising influence of Social Gospel Protestantism and the wider progressive movement. What began as an effort to persuade individuals to choose to abstain from alcohol became an effort to use the force of law to ban its sale and transport. Though perhaps noble in aim, the legal enforcement of the ban limited personal freedom, gave rise to widespread lawlessness, and encouraged the growth of organized crime.

## RELIGION AND TEMPERANCE

In the early 19th century, Protestants including Methodists, Baptists, and Presbyterians took part in revivals to convert new followers to Christ to overcome corruption in the world. In their eyes, drinking was part of that corruption. They became advocates for temperance, which is defined as personal self-restraint or abstinence from alcohol. At this time, temperance advocates did not call for legal prohibition of alcohol, but rather asking citizens to choose to abstain from its use.

## THE SCIENTIFIC APPROACH

Temperance organizations realized that, for temperance to become mainstream, moral arguments against using liquor would not be enough. They began to employ what they claimed was a "scientific," fact-based approach. As the Progressive Era began around the turn of the twentieth century, the advocates of temperance supported their religious arguments with various scientific reasons. Studies found that alcohol limited motor reaction, caused issues with nerve centers controlling the heart, interfered with digestion, and worsened diseases. Organizations like the Women's Christian Temperance Union (WCTU), under the leadership of Frances Willard, used the new scientific findings to their benefit. They advocated compulsory instruction about temperance in public schools and wrote textbooks on the subject.

## THE ANTI-SALOON LEAGUE

Many Protestant churches joined forces with the Anti-Saloon League (ASL). The ASL began as a state organization in Ohio in 1893, and in 1895, Anti-Saloon Leagues across the country came together to form the nation's leading lobbying group for anti-alcohol legislation. At its inception, it advocated not only for temperance, but for laws suppressing



▲ Saloon owners were targeted by Temperance and Prohibition advocates.

Photo Courtesy Library of Congress

the rights of saloon owners to do business. By the early 1900s, the ASL was becoming a major political force. Their head lobbyist described their efforts: "Word went out from Washington and state headquarters to send letters, telegrams, and petitions to Congressmen and Senators in Washington. They rolled in by tens of thousands, burying Congress like an avalanche". The ASL's state-by-state approach was working; by 1917, 26 of the 48 states had passed prohibition measures. Congress was also considering a constitutional amendment for nationwide prohibition of alcohol.

The 18th Amendment, which prohibited the "manufacture, sale, and transportation of intoxicating beverages," was approved by Congress in December of 1917 and went into effect in 1920 after the required number of states ratified it. The amendment was the first ever to limit citizens' personal liberties.

## PROHIBITION AND THE PROGRESSIVE MOVEMENT

Prohibition succeeded in large part when the ASL was able to apply political pressure to intimidate politicians. The ideas used to justify a nation-wide legal ban on the sale, manufacture, and transport of alcohol can be understood in the context of progressivism. Progressivism was a significant shift away from the traditional American understanding of the purpose of government to that point. The founders believed citizens could best pursue happiness if government was limited to protecting the life, liberty, and property of individuals. They believed people were naturally flawed, and structured government so that people's inherent self-interest would lead officials to check one another's attempts to exercise more power than the Constitution allows. Unlike the framers of the Constitution, Progressives believed that man's nature can and should be bettered by enlightened rulers. Therefore, they believed, government should provide citizens with the environment and the means to improve themselves through government-sponsored programs and policies.

The Progressive movement successfully enacted a host of constitutional changes which increased the power of the national government. The 18th Amendment banned the manufacture, sale, or transport of intoxicating beverages and the Volstead Act codified it in U.S. law. The Sixteenth Amendment authorized the national government to tax incomes. The Seventeenth Amendment provided for the direct election of U.S. Senators, diminishing the power of the states to influence national laws in Congress. The 19th Amendment barred states from denying female citizens the right to vote in federal elections.

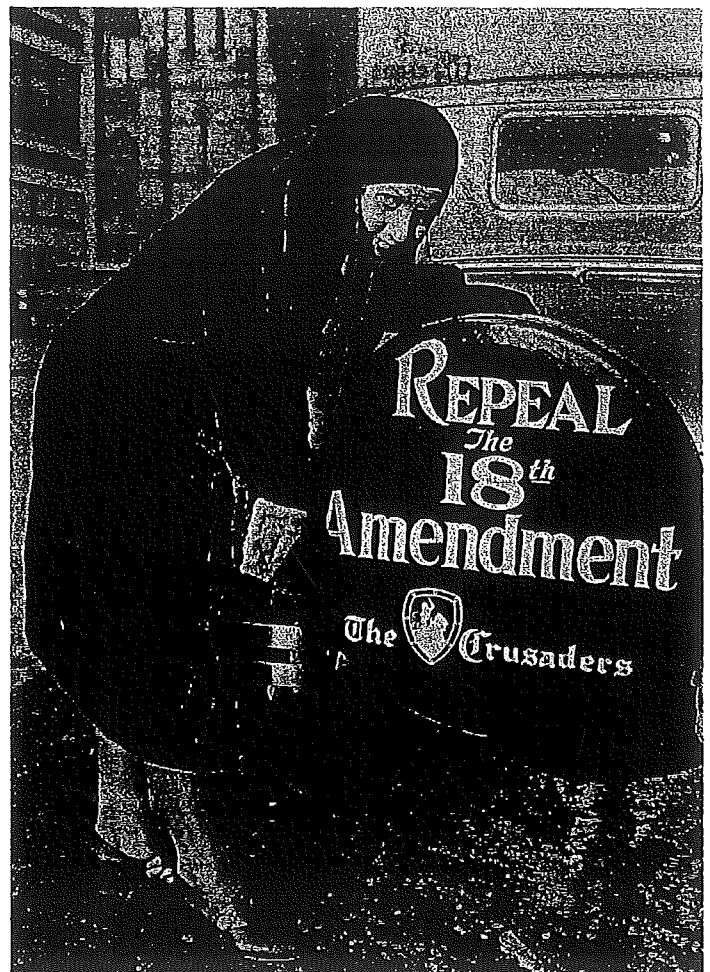
## TOWARD REPEAL

The 18th Amendment did not ban the consumption of alcohol, only its manufacture, sale, and transport. Many began hoarding alcoholic beverages during the year between ratification and when Prohibition went into effect. Under the law, individuals were still allowed to make wine and alcoholic cider for home use, but moonshine could be deadly if made incorrectly. Smugglers brought liquor into the United States through port cities around the country.

Federal agents charged with enforcing the law were ill-equipped to deal with the large numbers of bootleggers and speakeasies, and courts were overloaded with Prohibition-related cases. Chicago and New York were hubs for crime bosses like Al Capone and Meyer Lansky. Gangs began fighting for power in their territories; these power struggles led to corruption, destruction, and death.

The Great Depression struck a major blow to the nation's economy, and the tide had begun to turn against Prohibition. Some lawmakers believed that a tax on alcohol could help increase federal revenue to aid the struggling country. Citizens were concerned about the upsurge in crime and violence. Franklin Roosevelt reversed his position and came out against Prohibition during the 1932 presidential campaign. Two groups led the effort for repeal: the Association Against the Prohibition Amendment and the Women's Organization for National Prohibition Reform. In 1933, Congress passed and President Franklin Roosevelt signed an amendment to the Volstead Act, legalizing the sale of light beers and wine below a new, higher limit for "intoxicating" beverages. Congress approved the 21st Amendment on February 20, 1933, and it was ratified by state conventions throughout the year.

On December 5, 1933, the United States ratified the 21st Amendment, repealing the 18th Amendment. This was the first time in American history a constitutional amendment had been repealed. The 21st Amendment affirmed the power of states to make laws concerning the sale and transport of alcohol. Many states began tightly controlling liquor usage through licensing requirements, drinking age limits, and specific hours of operation for liquor sellers. Many of these regulations are still in force today.



▲ After 13 years, the 21st Amendment repealed Prohibition.

Photo Courtesy Library of Congress



1. What is the historical relationship between the Temperance Movement and Prohibition?  
\_\_\_\_\_  
\_\_\_\_\_
2. How did the Founders' view of government differ from the Progressives' view in terms of:
  - the nature of mankind  
\_\_\_\_\_
  - the purpose of government  
\_\_\_\_\_
  - the types of powers government should be given  
\_\_\_\_\_
  - the types of things it is possible for government to do  
\_\_\_\_\_
3. Why did Prohibition lead to crime and violence? What is the relationship between Prohibition and individual rights, including property rights?  
\_\_\_\_\_  
\_\_\_\_\_
4. How did the 18th Amendment differ from every other constitutional amendment in history?  
\_\_\_\_\_  
\_\_\_\_\_
5. The constitutional amendment process requires that 3/4ths of the states ratify any changes. This ensures that most of the country must be in favor of a change in order to modify the Constitution. Why do you think that Prohibition, which had been approved by the people, failed so dramatically?  
\_\_\_\_\_  
\_\_\_\_\_
6. What do the 18th and 21st Amendments teach us about the role of states in policy considerations?  
\_\_\_\_\_  
\_\_\_\_\_

# The 1929 Crash Brings the New Deal

When President Hoover took office in March, 1929, the United States was beginning its seventh year of general prosperity. Unemployment was low, profits high, wages good. The stock market was booming. Only two problems seemed to merit serious attention from the President and Congress: farm prices and the tariff.

Farm prices, after more than doubling between 1914-19, had nosedived sharply in the 1921 recession. They had never fully recovered, since the U. S. farmer was faced with increasing competition from other expanding agricultural areas. Thus the farmer did not fully share the prosperity of the 1920's. Congress twice passed plans to buy certain farm products at a good price and sell the surplus abroad at what it would bring—but Coolidge vetoed these acts. Under Hoover, \$500,000,000 was appropriated for the Federal Farm Board. This money was to help farmers sell their goods through cooperative marketing groups, and to keep prices up through purchases of surplus grain and cotton.

Hoover also recommended a revision of the tariff, in order, among other reasons, to try to help agriculture. In its final form, the Smoot-Hawley Tariff gave greater protection to farm products, but also increased the duties on manufactured goods. Other nations quickly retaliated by raising their tariffs.

## THE STOCK MARKET BOOM—AND CRASH

But in 1929, America was at the height of its boom. Prices on the New York Stock Exchange daily registered sensational gains. Speculation spread to people in every occupation and region. The *New York Times* index of 50 leading stocks climbed from 107.6 on January 2, 1929 to 306.8 on September 19, 1929.

But the limit had been reached in the amount of easy money available from banks to brokers for loans to customers. In the last half of September, stock prices began to slip downward as the stream of loans was dammed. And as prices sagged, many customers had to stand by and watch their stocks be sold—since no more loans were available to cover the decline in price. On October 24 the downward slide became a crash! By November 13, the stock index had dived to 166.2, 140 points below its September high.

Prosperity depends upon an optimistic public mood as well as expanding business. The stock market crash swept away this optimism, revealing many disturbing economic trends. European business conditions were poor, and a cut in American loans to Europe was followed by a drop in European purchases from this country. Credit had been overextended at home—by retailers to their installment customers and by banks to their business customers. After the stock market crash, banks and retailers cautiously tightened up on their credit. Business activity slowed down. Both business borrowers and installment buyers began to have difficulty meeting their notes.

Unemployment increased as factories, the banks themselves, and other businesses began to close. More than 7 out of every 10 families had incomes of less than \$50 a week, and had little or no savings to fall back on. Unemployment in this low income group meant a drastic cutting of all purchases. And this halt in buying led to more business failures and more unemployment.

These and other factors combined to bring about the most severe depression in American history, as the accompanying chart indicates. President Hoover—a firm believer that government should aid business, but not regulate or lead it—at first expressed confidence that the economic system would quickly right itself. By 1932, however, the severity of the depression forced him to propose legislative action. Congress created the Reconstruction Finance Corporation in 1932, with a fund of \$1,500,000,000 available for loans to industry, banking, transportation and agriculture. Later, it was also authorized to lend to states, cities, and other government agencies for self-liquidating public works projects.

The RFC exemplified the Republican approach under Hoover: help business at the top in the hope that such aid would improve conditions and restore prosperity. The method failed to work. In 1930 the voters retaliated by giving the Democrats a majority in the House. They completed the overturn in 1932, giving the Democrats an overwhelming majority of senators, representatives and governors elected, and—of course—the presidency.

## FDR TAKES OFFICE

When Franklin Delano Roosevelt took office on March 4, 1933, virtually all banks in the nation had closed or had their business restricted by governors' proclamations. Without adequate currency or credit facilities, business was at a standstill. According to a conservative estimate, there were almost 13 million unemployed. Stock and commodity exchanges were closed. Farmers were in revolt, refusing to allow legal authorities to take away the farms of men who could not meet their mortgage payments.

In this emergency, the new president moved quickly and confidently. On March 6, he issued a proclamation which declared a nationwide bank holiday, prohibited the export of gold, and promised speedy federal action to bolster the tottering banking system. A second proclamation called Congress into special session for March 9, to consider a program to meet the crisis. In the 100 day session that followed, 15 major acts were passed.

Christened the "New Deal" by FDR, these and other measures he sponsored aimed to: (1) Boost industrial production, and thus expand employment. (2) Increase the farmer's income and buying power. (3) Raise the price level so that the debtor would find it easier to get money, to meet his debts. (4) Give the average citizen a higher income and greater security.

## CHAPTER

## 23

## GEOGRAPHY APPLICATION: REGION

*Decade of the Democrats*

## Section 5

*Directions: Read the paragraphs below and study the maps carefully. Then answer the questions that follow.*

The Democratic Party controlled the federal government for most of the 1930s. The Republicans' mostly voluntary programs to remedy the ravages of the Great Depression had failed, so in 1932 Democrat Franklin D. Roosevelt was elected president. Only the Northeast, a Republican stronghold, did not endorse Roosevelt. Elsewhere, his support was overwhelming.

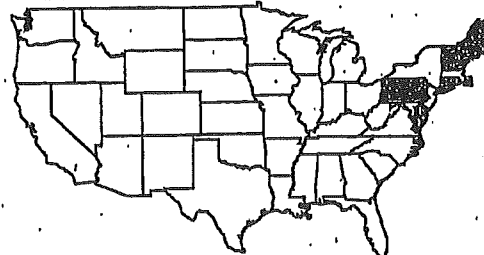
The Democrats had put together a new coalition of voters: urban immigrants, blue-collar workers of the industrialized North, African Americans, farmers of the Midwest and Great Plains and citizens in the "Solid South" joined to give the Democratic Party a national majority for the first time since the Civil War.

These people had voted for change, and they got what they wanted. To put the nation on the road to economic recovery, Roosevelt pushed through a collection of work programs, often called "alphabet soup" for initials such as WPA and CCC. The mid-1930s marked the high point of these New Deal programs. Millions of people were put back to work, and many economic-recovery projects were in full swing.

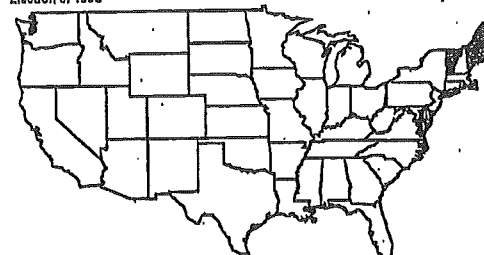
By the end of the 1930s, however, the situation had changed. The country, slowly climbing out of the depths of the Great Depression, had suffered another period of economic decline in 1937-1938, and unemployment was once again a major problem. Business leaders and Congress had become more vocal in their criticism of the New Deal, and many of its programs were ended. By the 1940 presidential election, eight states—all in the agricultural Midwest and Great Plains—had switched their support from Roosevelt to the Republican candidate, Wendell Willkie. Though Roosevelt's popularity remained strong elsewhere, particularly in the Democratic stronghold of the South, it would take the U.S. involvement in World War II to jolt the nation's economy into the full recovery that Roosevelt had been seeking.

## Elections of 1932, 1936, 1940

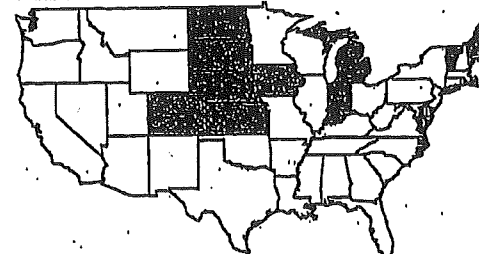
Election of 1932



Election of 1936



Election of 1940



Name \_\_\_\_\_

Decade of the Democrats *continued*

## Interpreting Text and Visuals

1. Which part of the country failed to support Franklin D. Roosevelt in the 1932 presidential election? \_\_\_\_\_

2. Which states remained Republican in all three elections? (You may consult the atlas, pp. A1-A21, for the names of U.S. states.) \_\_\_\_\_

What regions of the United States remained solidly Democratic in all three elections? \_\_\_\_\_

3. The 1936 election is a good example of the frequent disparity between popular and electoral totals. Roosevelt received more than 65 times as many electoral votes as Landon. But was the popular vote for Roosevelt about 90 times as great, 9 times as great, or 1.5 times as great as that for Landon? \_\_\_\_\_

4. Compare Roosevelt's victory in 1940 with his victory in 1936. In what respect did he lose ground? \_\_\_\_\_

5. In which election did the Democratic Party achieve its greatest popularity? \_\_\_\_\_

6. What do you think was the main cause of Herbert Hoover's loss in 1932? \_\_\_\_\_

7. What trend do you notice in the Democratic vote in the 1940 election? \_\_\_\_\_

## **New Deal Programs Analysis**

Read through the New Deal programs and use the chart to answer the following questions.

1. What role did the state and local governments play in the lives of Americans based upon the purpose of these programs?
2. What role did the federal government play in the lives of Americans based upon the purpose of these programs?
3. In what ways were these programs helping to the American public? Look for broader themes or patterns within each given section of programs.
4. How did the New Deal programs change the definition of democracy?
5. How did the New Deal use government authority as an agent of the people?



## New Deal Programs

### EMPLOYMENT PROJECTS

- 1933 Civilian Conservation Corps (CCC)
- 1933 Federal Emergency Relief Administration (FERA)
- 1933 Public Works Administration (PWA)
- 1933 Civil Works Administration (CWA)
- 1935 Works Progress Administration (WPA)
- 1935 National Youth Administration (NYA)

### PURPOSE

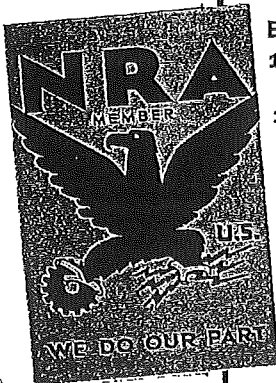
Provided jobs for single males on conservation projects.  
 Helped states to provide aid for the unemployed.  
 Created jobs on government projects.  
 Provided work in federal jobs.  
 Quickly created as many jobs as possible—from construction jobs to positions in symphony orchestras.  
 Provided job training for unemployed young people and part-time jobs for needy students.



### BUSINESS ASSISTANCE AND REFORM

- 1933 Emergency Banking Relief Act (EBRA)
- 1933 Federal Deposit Insurance Corporation (FDIC)
- 1933 National Recovery Administration (NRA)
- 1934 Securities and Exchange Commission (SEC)
- 1935 Banking Act of 1935
- 1938 Food, Drug and Cosmetic Act (FDC)

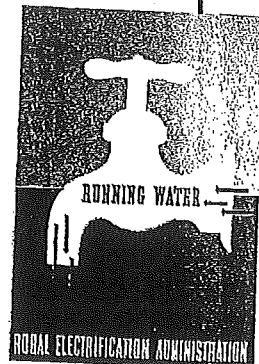
Banks were inspected by Treasury Department and those stable could reopen.  
 Protected bank deposits up to \$5,000. (Today, accounts are protected up to \$100,000.)  
 Established codes of fair competition.  
 Supervised the stock market and eliminated dishonest practices.  
 Created seven-member board to regulate the nation's money supply and the interest rates on loans.  
 Required manufacturers to list ingredients in foods, drugs, and cosmetic products.



### FARM RELIEF AND RURAL DEVELOPMENT

- 1933 Agricultural Adjustment Administration (AAA)
- 1933 Tennessee Valley Authority (TVA)
- 1935 Rural Electrification Administration (REA)

Aided farmers and regulated crop production.  
 Developed the resources of the Tennessee Valley.  
 Provided affordable electricity for isolated rural areas.



### HOUSING

- 1933 Home Owners Loan Corporation (HOLC)
- 1934 Federal Housing Administration (FHA)
- 1937 United States Housing Authority (USHA)

Loaned money at low interest to homeowners who could not meet mortgage payments.  
 Insured loans for building and repairing homes.  
 Provided federal loans for low-cost public housing.

### LABOR RELATIONS

- 1935 National Labor Relations Board (Wagner Act)
- 1938 Fair Labor Standards Act

Defined unfair labor practices and established the National Labor Relations Board (NLRB) to settle disputes between employers and employees.  
 Established a minimum hourly wage and a maximum number of hours in the workweek for the entire country.  
 Set rules for the employment of workers under 16 and banned hazardous factory work for those under 18.

### RETIREMENT

- 1935 Social Security Administration

Provided a pension for retired workers and their spouses and aided people with disabilities.

Name \_\_\_\_\_  
Date \_\_\_\_\_

US32  
B/H/T

## F.D.R.'S Inaugural Address (1933)

... radiated confidence as he pledged a New Deal for the American people. Roosevelt won the presidency in a landslide (472 electoral votes to 59) and the Democrats gained control of both houses of Congress. But in the four long months between the election and inauguration—soon remedied when the Twentieth Amendment moved the inauguration from 4 March to 20 January—the Great Depression worsened: Unemployment increased, more businesses failed, and there were numerous “runs” on banks, as panicked depositors withdrew life savings which forced some banks to close their doors. On inauguration day 80 percent of America’s banks were closed (either by declared state holiday or by failure) and the country was near economic ruin. Roosevelt’s inaugural address, excerpted below, exuded a sense of vigor and action at a time when Americans suffered a crisis of confidence.

### QUESTIONS TO CONSIDER

1. In what ways does Franklin Roosevelt seek to build the American people’s confidence?
2. What does Roosevelt believe are the significant problems facing the nation?
3. How does he propose to solve them?
4. For what purposes does Roosevelt refer to the crisis as similar to war?
5. What is the significance of this speech?

**I** am certain that my fellow Americans expect that on my induction into the Presidency I will address them with a candor and a decision which the present situation of our Nation impels. This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great Nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days.

In such a spirit on my part and on yours we face our common difficulties. They concern, thank God, only material things: Values have shrunk to fantastic levels; taxes have risen; our ability to pay has fallen; government of all kinds is faced by serious curtailment of income; the means of exchange are frozen in the currents of trade; the withered leaves of industrial enterprise lie on every side; farmers find no markets for their produce; the savings of many years in thousands of families are gone.

“Inaugural Address, March 4, 1933,” *The Public Papers and Addresses of Franklin D. Roosevelt*, Vol. 2: *The Year of Crisis, 1933*, comp. Samuel I. Rosenman (New York, 1938), 11–16.

More important, a host of unemployed citizens face the grim problem of existence, and an equally great number toil with little return. Only a foolish optimist can deny the dark realities of the moment.

Yet our distress comes from no failure of substance. We are stricken by no plague of locusts. Compared with the perils which our forefathers conquered because they believed and were not afraid, we have still much to be thankful for. Nature still offers her bounty and human efforts have multiplied it. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply. . . .

Our greatest primary task is to put people to work. This is no unsolvable problem if we face it wisely and courageously. It can be accomplished in part by direct recruiting by the Government itself, treating the task as we would treat the emergency of a war, but at the same time, through this employment, accomplishing greatly needed projects to stimulate and reorganize the use of our natural resources.

Hand in hand with this we must frankly recognize the overbalance of population in our industrial centers and, by engaging on a national scale in a redistribution, endeavor to provide a better use of the land for those best fitted for the land. The task can be helped by definite efforts to raise the values of agricultural products and with this the power to purchase the output of our cities. It can be helped by preventing realistically the tragedy of the growing loss through foreclosure of our small homes and our farms. It can be helped by insistence that the Federal, State, and local governments act forthwith on the demand that their cost be drastically reduced. It can be helped by the unifying of relief activities which today are often scattered, uneconomical, and unequal. It can be helped by national planning for and supervision of all forms of transportation and of communications and other utilities which have a definitely public character. There are many ways in which it can be helped, but it can never be helped by merely talking about it. We must act and act quickly.

Finally, in our progress toward a resumption of work we require two safeguards against a return of the evils of the old order; there must be a strict supervision of all banking and credits and investments, so that there will be an end to speculation with other people's money; and there must be provision for an adequate but sound currency.

These are the lines of attack. I shall presently urge upon a new Congress, in special session, detailed measures for their fulfillment, and I shall seek the immediate assistance of the several States. . . .

I am prepared under my constitutional duty to recommend the measures that a stricken Nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speedy adoption.

But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crises—broad Executive

power to wage a war against the emergency, as great as the power that would be given to me if we were, in fact, invaded by a foreign foe.

For the trust reposed in me I will return the courage and the devotion that befit the time. I can do no less.

We face the arduous days that lie before us in the warm courage of national unity; with the clear satisfaction that comes and precious moral values; with the clean satisfaction that comes from the stern performance of duty by old and young alike. We aim at the assurance of a rounded and permanent national life.

We do not distrust the future of essential democracy. The people of the United States have not failed. In their need they have registered a mandate that they want direct, vigorous action. They have asked for discipline and direction under leadership.

They have made me the present instrument of their wishes. In the spirit of the gift I take it.

In this dedication of a Nation we humbly ask the blessing of God. May He protect each and every one of us. May He guide me in the days to come.

# WWI

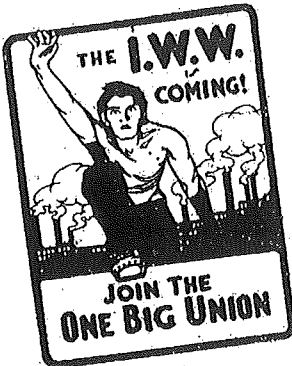
US32

Read & annotate

**ESPIONAGE AND SEDITION ACTS** In June 1917 Congress passed the Espionage Act, and in May 1918 it passed the Sedition Act. Under the **Espionage and Sedition Acts** a person could be fined up to \$10,000 and sentenced to 20 years in jail for interfering with the war effort or for saying anything disloyal, profane, or abusive about the government or the war effort.

Like the Alien and Sedition Acts of 1798, these laws clearly violated the spirit of the First Amendment. Their passage led to over 2,000 prosecutions for loosely defined antiwar activities; of these, over half resulted in convictions. Newspapers and magazines that opposed the war or criticized any of the Allies lost their mailing privileges. The House of Representatives refused to seat Victor Berger, a socialist congressman from Wisconsin, because of his antiwar views. Columbia University fired a distinguished psychologist because he opposed the war. A colleague who supported the war thereupon resigned in protest, saying, "If we have to suppress everything we don't like to hear, this country is resting on a pretty wobbly basis."

The Espionage and Sedition Acts targeted socialists and labor leaders. Eugene V. Debs was handed a ten-year prison sentence for speaking out against the war and the draft. The anarchist Emma Goldman received a two-year prison sentence and a \$10,000 fine for organizing the No Conscription League. When she left jail, the authorities deported her to Russia. "Big Bill" Haywood and other leaders of the Industrial Workers of the World (IWW) were accused of sabotaging the war effort because they urged workers to strike for better conditions and higher pay. Haywood was sentenced to 30 years in prison. Under such federal pressure, the IWW faded away. ●



▲ This Industrial Workers of the World (IWW) sticker encourages workers to join the union.

**Vocabulary**  
sedition: rebellion against one's government;  
treason

## MAIN IDEA

### Analyzing Effects

● What impact did the Espionage and Sedition Acts have on free speech?

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## *Schenck v. United States (1919)*

### *Vocabulary*

**abridging** Lessening, interfering with.

**neutral** Not allied with or supporting either side in a war or dispute.

**draft** To select people for required military service.

**insubordination** Unwillingness to accept orders from someone in authority.

**affirm** To agree or support, as when a higher court agrees with the earlier decision of a lower court.

### *Reviewing the Case*

The First Amendment guarantee of free speech and expression reads: "Congress shall make no law . . . **abridging** the freedom of speech. . . ." But, at several different periods in the history of the United States, Congress has passed laws limiting how much citizens can criticize or resist government actions. Is this an abridgment of free speech? In the case of *Schenck v. United States*, the Supreme Court established a guideline that is still followed.

In 1917 the United States was still officially **neutral**, but its entry into World War I was imminent. To build up the army, Congress passed an act on May 18, 1917, that established a military **draft**. To encourage national unity in the war effort, Congress also passed several laws that limited criticism of the government and opposition to its policies. On June 15, 1917, Congress passed the Espionage Act. Sections of the Espionage Act prohibited any attempt to cause **insubordination** among military personnel or to interfere with the draft or with military recruitment.

Three days later Charles Schenck was arrested for violating the Espionage Act. He was accused of printing and mailing antiwar pamphlets to some 15,000 to 16,000 men who had been accepted for induction into the military under the Selective Service Act. Schenck was the general secretary of the American Socialist Party and, like most other members of the party, he strongly opposed the war. He

claimed it was being fought for the benefit of Wall Street investors who would profit from the sale of merchandise to the military.

The U.S. District Court for Pennsylvania ruled that the pamphlets were designed to cause men to resist the draft. Therefore, the court decided, Schenck had violated the Espionage Act. Schenck claimed there was not enough evidence to convict him of the charges that had been brought against him. He said that his actions were a form of free speech and claimed that the Espionage Act abridged the rights of free speech. Thus, according to him, the act was unconstitutional. Convicted in the district court, Schenck appealed to the U.S. Supreme Court.

The issue before the Court: Does the Espionage Act violate the First Amendment in respect to Schenck's freedom of speech?

The Supreme Court ruled unanimously to **affirm** the decision of the district court against Schenck. Writing for the Court, Justice Oliver Wendell Holmes laid down a standard that would become famous:

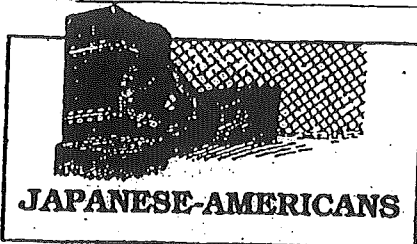
We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends on the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre, and causing a panic. . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive [actual] evils that Congress has a right to prevent."

In the Schenck decision, the Supreme Court established clear limitations on freedom of speech. The guideline is the existence of a "clear and present danger," a situation in which free speech could bring harm to the general welfare. In such cases, Congress has the power to pass laws to protect its citizens

and the national security of the United States even if those laws abridge free speech. The "clear and present danger" test is a way to balance the rights of the individual with those of society.

According to Justice Holmes, it made no

difference that Schenck and the others had failed to interfere with military recruitment. "... We perceive no ground for saying that success alone warrants making the act a crime," he concluded.



## Overview Essay

### The Internment of Japanese-Americans During World War II

"I only ask that I be given a chance to fight to preserve the principles that I have been brought up on and which I will not sacrifice at any cost. Please give me a chance to serve in your armed forces." So wrote Henry Ebihara to Secretary of War Henry Stimson as the United States entered World War II. Eight thousand Japanese-Americans did eventually serve—with distinction—in the United States armed forces during World War II, despite the fact that over 110,000 were forced by the American government to relocate to remote and dismal internment camps. The Japanese-Americans living on the West Coast were declared a "security threat" by the government, and many Americans supported the federal government's decision to isolate those who seemed to pose such a threat. Fear, racism, and a desire for revenge after the bombing of Pearl Harbor—all fostered public support for a government policy that violated the civil rights of other American citizens.

The census of 1940 recorded 126,947 people of Japanese ancestry living in the United States, nearly two-thirds of them native-born Americans. Those first-generation Japanese who had emigrated from Japan or Hawaii were known as Issei. Their children were known as Nisei. The majority of these Japanese-Americans lived together in small communities on the West Coast. Here they operated small businesses and vegetable farms, pursuing their dreams just as other Americans did. However, unlike Americans of European ancestry, during World War II Japanese-Americans were to endure unjust treatment at the hands of their government.

#### War Hysteria

The attack on Pearl Harbor pitched the government into a quandary. Because the West Coast was believed vulnerable to Japanese attack, military experts worried that Japanese-Americans there might cooperate with the enemy. The public, meanwhile, clamored for the government to take action against the "enemy race" in its midst.

Soon after the attack on Pearl Harbor, the Federal Bureau of Investigation (FBI) identified

about 2,100 Japanese-Americans as "dangerous enemy aliens" and arrested them. This did little to calm the fears of residents on the West Coast. Many people considered a Japanese invasion imminent and believed that no one of Japanese heritage could be trusted. On February 19, 1942, President Franklin Roosevelt signed Executive Order No. 9066 authorizing the Secretary of War "to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded."

General John DeWitt, the military commander responsible for executing the order, designated entire regions of California as "military areas" and asked Japanese residents to relocate voluntarily. Complying with the request, about eight thousand Japanese-Americans abandoned their homes and moved to other parts of the country.

On March 18 Roosevelt created the War Relocation Authority (WRA) to oversee the orderly evacuation of Japanese-Americans from the designated regions. DeWitt ordered Japanese residents on the West Coast to report to Wartime Civilian Control Centers.

Overview Essay *Continued***The Duration**

By early August 1942, more than 110,000 Japanese-Americans had been forced to leave their homes. Permitted to take only a few possessions with them, many tried to sell their belongings but were forced to abandon what they could not carry or sell.

Japanese-Americans reported to centers to await transfer to internment camps. Patrolled by armed soldiers, the centers were hastily

converted racetracks, stadiums, and fairgrounds. There, the internees slept in horse stalls and under bleachers, sometimes for weeks at a time. Eventually they were moved to internment camps. To reach the camps, the internees were transported on crowded trains on which the shades were drawn so that the passengers would not know their destination.

Less than a year after Pearl Harbor, the government had evacuated most Japanese-Americans to WRA camps. Located in desolate areas and surrounded by barbed wire, the camps consisted of flimsy wooden barracks covered with tar paper. In some places, families occupied one-room "apartments" furnished only with cots and lit by a single light bulb. In others, candles and kerosene lamps provided the only light. The occupants bathed, dined, and laundered their clothes in communal areas; in Puyallup, Washington, one washroom served one hundred families.

Yet despite such conditions, most Japanese-Americans endured their confinement with patience and even tried to aid the war effort by making camouflage nets, painting recruiting posters, and experimenting on the development of artificial rubber for the War Production Board. A few internees brought lawsuits against the government claiming that they had been imprisoned illegally. When these cases reached the Supreme Court, the justices upheld the government's actions.

By the end of 1944, the government had released almost 35,000 Japanese-Americans from internment. But their release depended

on passing a loyalty test that contained such questions as "Will you try to develop such American habits which will cause you to be readily accepted into American social groups?" and "Can you furnish any proof that you have always been loyal to the United States?"

The government began closing the camps early in 1945, once the threat of a Japanese invasion had subsided. Now Japanese-Americans

faced the daunting task of rebuilding their lives.

Three years of confinement in internment camps had cost them an estimated total of \$350 million in lost property and income. Many would never fully recover their losses. Akana

Imamura, a Japanese-

American who endured internment, wrote: "The life of most of us Issei is now well spent. We stand in the evening of life where there is no hope. . . . We are told and encouraged to relocate again into the world as a stranger in strange communities! We now have lost all security. WRA urges readjustment, relocating outside. Where shall we go? What shall we do at the twilight of the evening of our lives?"

When the last of the camps closed in 1946, many Japanese-Americans wanted nothing more than to put the whole grim experience behind them. Others, however, as loyal citizens desiring an apology and compensation, launched a long and frustrating campaign against the government.

In 1990, forty-five years later, the United States government finally admitted that it had violated the Constitution by internment Japanese-Americans during World War II and agreed to pay \$20,000 to each one of the sixty thousand surviving internees. "The U.S. must never again allow such a swerve from its principles," commented an article in the *Christian Science Monitor*. "When conflict abroad results in serious violations of liberty at home, the defeat is as serious as any a foreign adversary can deal."

"We are told and encouraged to relocate again into the world as a stranger in strange communities! . . . Where shall we go?"



## Korematsu v. United States (1944)

### Vocabulary

**executive order** A regulation or order issued by the President to enforce a treaty or law; it does not require congressional approval but has the force of law.

**curfew** A regulation requiring a certain group to be off the streets and in their homes at a certain time.

### Reviewing the Case

After the Japanese bombing of Pearl Harbor in December 1941, the United States entered the war against the Axis powers—Germany, Italy, and Japan. The attack on Hawaii had made many American leaders and ordinary citizens increasingly fearful about security on the West Coast of the United States. In response to those fears, President Franklin D. Roosevelt issued **Executive Order #9066** in February 1942.

The order authorized the creation of military areas in which military authorities had the power to remove or exclude whomever they wished. The first area included the entire West Coast to about 40 miles inland. Based on the executive order, military officials first imposed a curfew on “all persons of Japanese ancestry,” including those born in the United States and those who had become citizens. Later, the military commander ordered all persons of Japanese ancestry to leave their homes and report to assembly centers. From there they were sent to relocation camps farther inland, away from the coast.

The government claimed the curfew and the relocations were necessary to prevent sabotage, spying, or giving help to a possible Japanese invasion force. Disobeying the military orders was made a crime by act of Congress. Several lawsuits were brought to challenge this violation of the civil rights of citizens.

Fred (Toyosaburo) Korematsu was arrested for staying in San Leandro, California, instead of going to a relocation center. Born in California, Korematsu was a defense-plant

worker in his 20's. He had tried to join the Army but could not pass the physical. Rather than going to a center, he posed as Chinese. After being caught and arrested, he was convicted in federal district court of violating the military's “Civilian Exclusion Order.” Conviction carried a maximum fine of \$5,000 or up to one year in prison, or both.

Korematsu appealed the decision, unsuccessfully, to the Ninth Circuit Court of Appeals for California on the grounds that his rights under the Fourth, Fifth, Eighth, and Thirteenth Amendments had been violated. He was sent to a relocation camp in Utah. Korematsu then appealed to the U.S. Supreme Court.

The issue before the Court: Are Executive Order #9066 and the act of Congress enforcing it constitutional uses of the war powers of the President and Congress?

The Supreme Court ruled by a vote of 6–3 to uphold the decision of the lower courts against Korematsu. The Court ruled according to the precedent set a year earlier in *Hirabayashi v. United States*. Kiyoshi Hirabayashi had been convicted of violating the curfew law, which applied only to Japanese Americans. On appeal, the Court had ruled that Hirabayashi's rights had not been violated unconstitutionally because the curfew was within the limits of the war powers. In the interests of national security, the Court said, military authorities could do what they thought was necessary in sensitive areas; Congress had the right to give this power.

The Court's reasoning in both cases can be summed up in the words of Justice Hugo Black's opinion in *Korematsu*:

It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. . . . Compulsory exclusion of large groups of citizens from their

homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institution. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate [equal] with the threatened danger. . . .

The majority opinion stated that the quick judgments necessary during a war served as justification for the action, even though it brought hardships to many loyal people of Japanese descent. Continuing the majority opinion, Black denied that the policy had a racist intent:

Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and finally, because Congress, reposing its confidence in this time of war in our military leaders . . . determined that they should have the power to do just this.

The Court at the time did not rule on the constitutional issues and the questions of civil rights involved in these cases, only on the use of the war powers.

The three dissenting justices—Roberts, Murphy, and Jackson—thought that the policy was racist and unconstitutional. Justice Jackson feared that the decision gave the approval of the Constitution to an emergency military policy. The dissenting justices also pointed out that no effort had been made to identify individual Japanese Americans who might be disloyal, as had been done with some Germans and Italians. They claimed the policy violated the civil rights of an entire group of citizens solely on the basis of their ancestry.

As a result of this policy, about 112,000 Japanese Americans were forced to spend the war years behind the barbed wire fences of remote and primitive camps in the West. Many lost pleasant homes and prospering farms and businesses. President Harry Truman officially lifted the order in 1946, after the war was over. In the mid-1980's, more Americans were coming to believe that the incident had been racist to at least some extent. Under pressure, Congress authorized the payment of damages to those who had been held in relocation camps.